

LOCAL PLANNING AGENCY
OCTOBER 24, 2001

1. ROLL CALL

The meeting was called to order at 7:55 p.m. Agency members present were Vice-Chair Mike Bender, Edna Moore, Mimi V. Turin and Bob Waitkus. Also present were Agency Attorney A. Thomas Connick, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting. Chair Jay Stahl was absent.

2. PUBLIC HEARING

Text Amendment

2.1 ZB (TXT) 9-1-01, Town of Davie, Vested Rights Determination Ordinance
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING CURRENT DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "ADMINISTRATIVE APPEALS PROCEDURE", AND CREATING A NEW DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "VESTED RIGHTS DETERMINATION"; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Development Services Director Mark Kutney advised that staff was directed by the Town Council to expedite this amendment as quickly as was possible. He provided an overview on the appeals procedure and explained the intent of the text amendment. Mr. Kutney noted a "housekeeping" correction and commented that further revision needed to be addressed in conjunction with the Town Attorney regarding other Code interpretation procedures which would involve determinations made by the Town Administrator.

Mr. Connick elaborated that this text amendment provided a "clear road map" for vested rights determinations and explained his judgment.

Vice-Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Moore indicated that she was discontented with the limited amount of time she was given to review this item and, therefore, was reluctant to make a recommendation. Ms. Turin was concerned that the ordinance addressed vested rights appeals and did not provide a due process for other types of administrative appeals. She indicated that a remedy needed to be implemented in the interim for these types of cases. Mr. Kutney agreed that this ordinance left "a hole" in the Code and that was what he referenced in his earlier comments. He indicated that an amendment may have to be added as this ordinance moved forward. Mr. Connick concurred with Ms. Turin's point and indicated that he would draft verbiage to address the issue. A lengthy discussion ensued in which Agency members expressed opinions, stated concerns regarding fees and made recommendations for adjustments.

Ms. Turin made a motion, seconded by Mr. Waitkus, to approve the ordinance with the following caveats: 1) that there be an addendum to address administrative appeals that were not addressed currently by this proposed language, that the residents and citizens would have a mechanism for due process and their rights would not fall through the cracks; 2) that Council

LOCAL PLANNING AGENCY
OCTOBER 24, 2001

address the cost issue and that would be up to the Town's discretion, do a survey of other municipalities to see how they dealt with the amount issue as well as whether or not the amount should be specified in the Code as opposed to being in the fee schedule; and 3) if Council would want to address rebates, that would be up to Council if it wanted to include rebates. In a roll call vote, the vote was as follows: Chair Stahl – absent; Vice-Chair Bender – yes; Ms. Moore – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 4-0)**

Ordinance

2.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING THE DEFINITION OF "OPEN SPACE" AS DEFINED UNDER SECTION 12.503 AND ADD TO SECTION 12-33 (N) A SUBSECTION (10) AS CONCERNS FENCES IN "E" DISTRICTS ALREADY BUILT WITH VALIDLY ISSUED PERMITS AND AS CONCERNS FENCES ON LAKEFRONT PROPERTY IN "E" DISTRICTS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Kutney explained the intent of the ordinance and provided background information. He advised that Council had recently passed this ordinance on first reading. Mr. Kutney concluded that this ordinance was not a "panacea" solution and that remaining problems would have to be reviewed "case-by-case."

Mr. Connick discussed the hand-written changes which had been made to the proposed ordinance and distributed to Agency members.

Vice-Chair Bender asked if anyone wished to speak for or against this item.

Carl Martinez, resident of Long Lake Estates, asked for clarification that this ordinance addressed lake front property and not canal front property. He questioned if canal front property would be addressed by Council. He was advised by Mr. Connick to speak with the Councilmember from his district about his specific issue. Later in the meeting, Mr. Connick explained that what was not addressed in this ordinance, was technically, not permitted.

Neal Kalis, representing Stonebrook, clarified the problem that existed for his clients and spoke in favor of the ordinance.

Jeff Cohen, resident of Long Lake Estates, spoke about the determination made by the Water Management District, that there was a 20 foot easement from the water's edge and fences would not be permitted to go into the lake.

As there were no other speakers, the public hearing was closed.

A brief discussion ensued for further clarification of this ordinance in relation to Stonebrook.

Ms. Turin made a motion, seconded by Ms. Moore, to approve with the recommendation that Council consider requiring a 20 foot setback from the high water point of the lake for any fence which was parallel to the lake. In a roll call vote, the vote was as follows: Chair Stahl – absent; Vice-Chair Bender – yes; Ms. Moore – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 4-0)**

3. OLD BUSINESS

There was no old business discussed.

LOCAL PLANNING AGENCY

OCTOBER 24, 2001

4. NEW BUSINESS

There was no new business discussed.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

6. ADJOURNMENT

As there was no further business and no objections, the meeting was adjourned at 9:35 p.m.

Date Approved: _____

Chair/Agency Member